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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

KINDERSTART.COM LLC, a California  
limited liability company, on behalf of itself and  
all others similarly situated,

Plaintiffs,

v.

GOOGLE, INC., a Delaware corporation,  
Defendant.

Case No. C 06-2057 JF

**DECLARATION OF RANDALL  
McCARLEY IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION  
AGAINST FURTHER FREE SPEECH  
VIOLATIONS**

I, RANDALL McCARLEY, HEREBY DECLARE AS FOLLOWS:

1. I am sole proprietor of a firm called 14<sup>th</sup> Colony based in Sacramento, California.

2. For the past eight years, I have worked with hundreds of clients on Website concept, design, implementation, tracking updates and upgrades. Over the past year, I have worked to determine if their sites are designed to make them appealing, user-friendly, and accessible through a search engine.

3. I regularly review the "Google Webmaster Guidelines" posted on Google's Website when providing services to perform redesign adjustments to Websites. Further, I regularly consult the blog of a chief engineer employed at Google, named Matt Cutts. Below is an excerpt from Mr. Cutts' personal blog (but not an official Google blog), [www.mattcutts.com](http://www.mattcutts.com), posted on April 26, 2006 at 11:25 a.m.

DECLARATION OF RANDALL McCARLEY FOR  
PLAINTIFF'S MOTION

Case No. C 06-2057 JF

1 The Webspam team and the Sitemaps team have been working together for several  
2 months on a new approach: we are now alerting some sites that they have penalties via  
the webmaster console in Sitemaps. . . .

3 Here's some questions from a webmaster perspective:

4 Q: Are you going to show every penalty for a site in the webmaster console?

5 A: No. Our program to alert webmasters by email has been successful, and this new  
6 program is a natural extension of that, but we're still testing it. We are not confirming  
every site that is penalized for now, and I don't expect us to in the future.

7 4. Google posts Webmaster guidelines for site design and development, at  
8 <http://www.google.com/support/webmasters/>. These guidelines are difficult to follow and  
9 subject to very wide swings of interpretation by Google, Webmasters, and the public at large. I  
10 have attempted to obtain clarification of them in the past from Google, but without success.  
11 Even if I were to fully comply with the guidelines for a particular site, I have absolutely no  
12 assurance from Google, that my site or my clients' site can continue to be de-indexed or  
13 eventually removed temporarily or permanently from the index. Nor do I ever get electronic,  
14 written, verbal or any other type of notice or confirmation that the compliance with the  
15 Guidelines is complete and proper, or deficient in any respect.

16 5. On information and belief, if a target site is considered an inappropriate and  
17 unsuitable site in the eyes of Google, that site can be removed at will by Google. As a  
18 consequence, that site can also be associated to other sites that are linked into this initial target  
19 site and be considered as members of a "bad neighborhood." Thereafter, Google can and does  
20 immediately tag all linked sites to the target site and punishes those sites as well through lowered  
21 PageRank values or complete or near-complete removal from Google's index of searchable  
22 Websites.

23 I DECLARE UNDER PENALTY OF PERJURY, that the above is based on my personal  
24 knowledge, except for those matters above stated on information and belief.

25 Executed on this 4th day of May, 2006 in Sacramento, California.

26 By:   
27 RANDALL MCCARLEY  
28

DECLARATION OF RANDALL McCARLEY FOR  
PLAINTIFF'S MOTION

Case No. C 06-2057 JF

# Matt Cutts: Gadgets, Google, and SEO

## Notifying webmasters of penalties

April 26, 2006 @ 11:25 am · Filed under [Google/SEO](#)

If you don't want to read the full post, the executive summary is that Google's Webspam team is working with our Sitemaps team to alert some (but not all) site owners of penalties for their site. In my world (webmasters), this is both a Big Deal and a Good Thing, even though it's still an experiment. Sign up for [Sitemaps](#) to try it out. Oh, and the Sitemaps team introduced a bunch more new and helpful features too. Check out the [Sitemaps Blog](#) for more info. ☺

The responsibility of picking "Don't be evil" as an informal motto is that everybody compares Google against perfection, not to our competitors. That's mostly a good thing, because it keeps us working hard and thinking how we would tackle each issue in the best possible way. Lately, I've been thinking a lot about how the ideal search engine would communicate with webmasters.

There's a Laurie Anderson song called "The Dream Before" based on a quote by Walter Benjamin. Part of it goes

History is an angel being blown backwards into the future.  
History is a pile of debris,  
and the angel wants to go back and fix things, to repair things that have been broken.

But there is a storm blowing from Paradise, and this storm keeps blowing the angel backwards into the future.


And this storm is called Progress.

In the early days when Google had 200-300 people there was no way we could do everything we wanted to do. But as Google grows, we get more of a chance to "go back and fix things," to build the ideal search engine. And part of doing that is having more and better communication with webmasters.

I believe the ideal search engine would help site owners debug and diagnose crawl problems, and the Sitemaps team has made great strides with that in Google's [webmaster console](#). But I think the ideal search engine would also tell legitimate site owners when they risk not doing well in Google.

For example, I recently saw a small pub in England that had hidden text on its page. That could result in the site being removed from Google, because our users get angry when they click on a search result and discover hidden text—even if the hidden text wasn't what caused the site to be returned in Google's results. In this case it was a particular shame, because the hidden text was the menu that the pub offered. That's exactly the sort of text that a user would like to see on the web site; making the text visible would have made the site more useful.

That's an example of a legitimate site. On the other hand, if the webspam team detects a spammer that is creating dozens or hundreds of sites with doorway pages followed by a sneaky redirect, there's no reason that we'd want the spammer to realize that we'd caught those pages. So Google clearly shouldn't contact every site that is penalized—it would tip off spammers that they'd been caught, and then the spammers would start over and try to be sneakier next time.




The way that we've been tackling better communication over the last few months is by testing a program where we try to [email some penalized sites](#) that we believe are legitimate. The issue is that it can be hard to contact a site by email: some sites don't give any way to contact them, and some sites don't receive/read/respond to the emails that we send. Overall, the experiment has been very successful, but email has definite limitations.

The Webspam team and the Sitemaps team have been working together for several months on a new approach: we are now alerting some sites that they have penalties via the webmaster console in [Sitemaps](#). For example, if you verify your site in Sitemaps and then are penalized by the webspam team for hidden text on your pages, we may explicitly confirm a penalty and offer you a reinclusion request specifically for that site.

I'm really happy about this new way to communicate with webmasters, even though it is a test for now. If the initial results are positive, I wouldn't be surprised to see us gradually broaden this program.

Here's some questions from a webmaster perspective:

Q: Are you going to show every penalty for a site in the webmaster console?



A: No. Our program to alert webmasters by email has been successful, and this new program is a natural extension of that, but we're still testing it. We are not confirming every site that is penalized for now, and I don't expect us to in the future.

Q: I don't understand why you wouldn't show every single penalty to every single site owner that asks?

A: Let me give you a couple examples to illustrate why. First, let's take an example of a site that we would like to confirm a penalty for. Check out this site: